

TESTIMONY OF SHERIFF LEO SAMANIEGO,

EL PASO COUNTY, TEXAS

Tuesday, February 7, 2006

BEFORE THE COMMITTEE ON HOMELAND SECURITY

“Armed and Dangerous: Confronting the Problem of Border Incursions”

Mr. Chairman, members of the committee, I would like to thank you for the opportunity to testify today on the impact of incursions, the drug trade, the status of law enforcement along the Texas/New Mexico-Mexico border, and ways to improve security here. I would also like to thank you for holding this hearing. My only regret is that the hearing wasn't held on the border, where the rubber meets the road in drug trafficking, incursions and national security.

Realizing that our nation's security is our number one priority that does not diminish the problem we have with the recent border incursions and drug trafficking. In many ways, these two issues go hand in hand. The very routes, methods of concealment, and human resources used by illicit organizations for drug trafficking and alien smuggling are also a threat to our nation's security. On this border, counter-narcotics and national security efforts tap into the same law enforcement resources.

The problem

What I want you to walk away from this hearing with is the knowledge that the national drug abuse problem has a significant impact on the community of El Paso, and the entire Southwest Border. I want you to remember that the drugs flowing across this border, are, by and large, not staying here. Drug trafficking is not a local problem, it is a national problem, and requires the attention of our Federal government. While there is a drug abuse problem in El Paso, the demand does not compare to the high demand for drugs in the rest of the nation. The problem for El Paso is the transshipment of drugs through the region, and the illegal activities associated with it. Drug traffickers do not stop for long once they have entered El Paso. They continue with their shipments on to cities throughout the country. The failure to stop drug smuggling here today could mean 1,000 kilograms of marijuana will end up on the streets of St. Louis, Shreveport, Nashville – you name the city – tomorrow.

To illustrate my point let me tell you story about an incident on Wednesday, December 14, 2005. Deputies in Hudspeth County and Border Patrol Agents working in Hudspeth County identified a pick-up truck suspected of engaging in narcotics trafficking. Based on physical evidence; the vehicle crossed a low water point in the Rio Grande in Hudspeth County, Texas. The vehicle illegally crossed into the United States from Mexico.

Border Patrol Agents and Hudspeth County deputies spotted the 1992 Ford (Black and Grey) extended cab 4X4. The driver of the vehicle failed to pull over and eventually crossed into El Paso County. El Paso County Sheriff's Deputies were notified of the fleeing vehicle.

The driver traveling west on Interstate 10 exited the highway at the Tornillo exit and headed south toward the river. El Paso County Sheriff's Deputies (Drug Interdiction Unit) spotted the vehicle and attempted to pull the driver over.

The driver traveling south on Feed Penn (Approximately 55 mph in a residential area & School Zone) thought he was crossing the river near the intersection of Chamizo. In reality the driver was crossing the Franklin Canal when his truck got stuck. He was not injured as a result of driving into the canal. The driver exited the vehicle. Deputies caught him in a foot pursuit.

The driver is identified as Ricardo Roman Padilla (26 years old) from Guadalupe, Chihuahua, Mexico. Padilla is charged with possession of marijuana (over 50 pounds under 2,000 pounds). This is a second-degree felony. His bond is \$75,000.00.

This is an incursion that demonstrates how porous the Texas/Mexico Border is. Imagine if this chase had occurred about 20 minutes early when school children would have been walking home from school along Feed Penn Rd.

He was caught because Governor Rick Perry has provided the Texas Border Sheriff's Coalition grant money that allows us to increase patrols in the hot spots utilizing money to pay officers overtime to work these danger zones. This is a program we call "Operation Linebacker."

Security of the Border

If the border was secure then these next three stories wouldn't have to be told to emphasize the problems we face.

September 12, 2000, Chihuahua State Judicial Police request assistance from the El Paso County Sheriff's Office in locating a possible crime scene on the Rio Grande-International Boundary near San Isidro, D.B. and possibly in the area of San Elizario, Texas.

El Paso County Sheriff's Office (CID) Detectives meet with State Judicial Police and two (2) witnesses near the river. The witnesses were related to the deceased.

Witnesses stated that the deceased was attempting to cross seven (7) persons illegally into the United States. They said that three (3) suspects wearing ski masks confronted them. The witnesses stated that the suspects came out of the foliage and demanded their money. They stated that the deceased refused to cooperate and was shot by one (1) of the suspects. The witnesses stated that the incident took place in the water. The deceased was on the Mexican side of the embankment. No physical evidence was ever recovered. Several shoe impressions were identified and photographed.

November 28, 2000, Border Patrol Agent from Fabens Station observes possible illegal entry approximately nine (9) miles west of the Fabens Port of Entry. An Agent also observed two (2) individuals on the Mexican side of the Rio Grande River; one (1) individual was hiding along the levee on the United States side of the river and approximately ten (10) individuals standing along the river bank on the U.S. side.

The same agent also observed two individuals on the Mexican side carrying military style rifles (M-16 style) and was wearing military type clothing.

The individuals on U.S. soil spotted by the Agent walked back across the river into Mexico. As the subjects walked back into Mexico the Agent observed the subject hiding along the levee on the U.S. was also carrying a military style rifle and was wearing military clothing. Once on the Mexican side, the three (3) subjects wearing military clothing waived at the Agent and departed the area along with the group of ten (10).

A short time later a military Humvee vehicle approached the ten (10) subjects and spoke to them. The vehicle then proceeded to leave the area after picking up the subjects dressed in military clothing. The Agent reported the individuals never made any threatening actions toward him.

In the summer of 2000, not long after the formation of the El Paso County Sheriff's Office RAPTOR team (Rapid Deployment Tactical Unit) in '02, we were asked by Border Patrol (BP) to assist with surveillance along the river levee near the Lee Moore Children's home. There had been some robberies of illegal crossers in the area. The suspects were reported to be using what looked like military ambush tactics.

In one incident, a man was being held up and apparently tried to resist. He was thrown to the ground and shot, though not killed. BP set up an LPOP in the area and encountered the suspects. There was a foot chase and BP almost caught one of them, however they managed to make it back across the river.

After that, RAPTOR was requested to assist. This would have been in August of 2002. Members of the team lay in along the levee to assist with surveillance. RAPTOR worked with the agents forming up to three teams of eight men who worked surveillance or security during the operation. Our personnel were trained in surveillance and how to use BP equipment including the night vision and communications gear.

While the city of El Paso is a safe community, the nation's third safest; approximately 3,000 automobiles a year are stolen in El Paso and taken to Mexico. Literally a stone's throw away, the City of Juarez, Mexico has been plagued with over 500 drug related homicides in the last ten years. Many of those were gang-style executions, and in addition there are approximately 200 unsolved murders of young women.

National Law Enforcement Effort

The enforcement efforts in other major cities are being increased because we are not stopping the drugs here. Efforts to secure our border against terrorism have not curbed the use of the Southwest border as the most significant gateway of drugs being smuggled into the United States. Federal resources have been expanded in cities to our north to combat drug use and distribution, yet most of the drugs have originated from this border. If illicit organizations can bring in tons of narcotics through this region and work a distribution network that spans the entire country, then they can bring in the resources for terrorism as well. If illegal aliens can be smuggled through here in truck loads (and they are) then terrorist organizations can also covertly smuggle the people to carry out their plans. On the Southwest Border, the same organizations involved in smuggling drugs have also been found to smuggle illegal aliens. Their motive is profit, regardless of the negative impact on our country. Smuggling terrorists, weapons, or weapons components would not be a far reach for these established organizations.

There are two issues that plague this area. First, the Federal government is expecting local agencies to assist with addressing the national drug problem, and now with increased national security efforts, but with reduced resources. Secondly, the Federal government is expecting more of its Federal agencies on the Southwest Border without adequate resources.

Federal Resources

There are Federal agencies in El Paso which have jurisdiction for investigating the types of crimes that are associated with both drug trafficking and national security; weapons trafficking and money laundering. However these agencies are so undermanned that they can barely extend resources towards the cooperative efforts required for national security and drug enforcement. Weapons trafficking is known to be an activity of the drug trafficking organizations, however, a systemic cooperative effort has not been made because the Bureau of Alcohol, Tobacco, and Fire Arms (ATF) does not have adequate numbers of agents up and down the border. The Internal Revenue Service, Criminal Investigation Division (IRS) has also been seriously undermanned up and down the border. These agencies need to be significantly

increase to address serious drug trafficking and security threats such as money laundering and weapons trafficking, two threats that have been largely ignored on the Southwest Border.

Border Sheriff's

I would like to close by describing how, the Texas Border Sheriff's Coalition has organized to share information, develop an operation to help one another with the federal government's inability to control the border. Operation Linebacker is a program designed by locals to solve local problems.

Extra patrols already operate under this plan thanks in large part to Governor Rick Perry who has stated on numerous occasions, "Although border security is a federal responsibility, we have no choice but to take aggressive steps at the state and local level to secure our borders and protect Texans."

In October 2005 Governor Perry released a comprehensive, six-point border security plan that featured Operation Linebacker. Again this program was designed by the Coalition to increase law enforcement presence along the Texas-Mexico border, particularly between legal points of entry.

Operation Linebacker is making life more difficult for those trying to smuggle drugs, weapons and people in to Texas. The incursions in Hudspeth County in the past two weeks, the reports of the confiscation of Improvised Explosive Devices (IED's) in Laredo, Texas last week and threats of personal harm to law enforcement personnel the past two months makes one fact clear, it is imperative that we increase security along our 1,200 border, it is a matter of a public safety and homeland security.

Conclusion

I want to thank you, Mr. Chairman, for this opportunity to testify. The El Paso County Sheriff's Office continues to make every effort possible, working with our fellow law enforcement agencies, Federal, state and local, to address the concerns of the community of El Paso and the American people. I would be happy to answer any questions you might have.